

AMENDED IN ASSEMBLY APRIL 19, 2016

AMENDED IN ASSEMBLY MARCH 28, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 2350

Introduced by Assembly Member O'Donnell

February 18, 2016

An act to *amend Section 44253.2 of, and to add Article 5.5* (commencing with Section 60080) to Chapter 1 of Part 33 of Division 4 of Title 2 ~~of of~~, the Education Code, relating to English learners.

LEGISLATIVE COUNSEL'S DIGEST

AB 2350, as amended, O'Donnell. English learners.

Existing law requires the State Board of Education to adopt curriculum frameworks and evaluation criteria that are aligned to specified content standards for English language arts on or before July 30, 2014.

This bill would define the terms “designated English language development” and “integrated English language development” for purposes of the English Language Arts/English Development Framework adopted by the state board, as specified. The bill would state that a middle or high school pupil who is enrolled in an English language development course or is classified as an English learner shall not be prevented from enrolling in specified other courses required for graduation or in courses that meet specified college admission standards, and would require credit toward graduation to be conferred for courses designed for long-term English ~~learners~~. *learners, except as specified.* By imposing additional duties on local educational agencies, the bill would impose a state-mandated local program. The bill would require the State Department of Education to contract for the development of

a video series demonstrating best practices for implementing designated and integrated English language development, and to make the video series available for use by local educational ~~agencies~~ *agencies and charter schools*.

Existing law authorizes the Commission on Teacher Credentialing to issue an authorization to teach specially designed content instruction delivered in English, as defined, to limited-English-proficient pupils.

This bill would revise the definition of “specially designed content instruction delivered in English” for purposes of specified teacher credentialing provisions.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. The Legislature finds and declares all of the
- 2 following:
- 3 (a) California is home to the largest population of English
- 4 learners in the country, and one in three English learners in the
- 5 United States resides in California.
- 6 (b) There are approximately 1.4 million English learners in
- 7 California public schools. About 2.7 million pupils speak a
- 8 language other than English in their homes, representing about 43
- 9 percent of the state’s public school enrollment.
- 10 (c) California’s English learner pupils score substantially lower
- 11 on state assessments than non-English learner pupils. While there
- 12 has been incremental growth in achievement among pupils in the
- 13 general population, scores for English learners have largely
- 14 remained static, widening the achievement gap between English
- 15 learners and their peers over time.
- 16 (d) On the 2015 administration of the California Assessment of
- 17 Student Performance, 11 percent of English learners in all grades
- 18 met or exceeded standard in English language arts/literacy and 11

percent in math, compared with 69 percent and 55 percent for those subjects, respectively, for pupils proficient in English.

(e) The English Language Arts/English Language Development Framework adopted by the State Board of Education in 2014 represents an important state endorsement of the use of both designated English language development and the integration of English language development across the curriculum. This combined approach will require major changes in teaching and learning for all pupils, including English learners, and there is a need for training for, and technical assistance to, teachers and administrators on implementing these instructional reforms.

(f) Recent research has found that English learners are less likely than non-English learners to be enrolled in core academic subject courses and, as a result, earn fewer credits than non-English learner pupils. Research has further found that limited access to English language arts is largely due to English language development classes being used as substitutes for, rather than complements to, English language arts, and due to the enrollment of elementary and secondary English learners in intervention classes for English language arts and math that are not designed for the English learners' language and academic needs.

(g) Graduation rates for English learners are lower than for the general population and for other subgroups of pupils. According to the State Department of Education, the overall 2013–14 four-year cohort graduation rate was 81 percent, while the rate for English learners was 65 percent, the lowest of any subgroup besides pupils in special education. The dropout rate for English learners, at 21 percent, was the highest of any subgroup.

~~(g)~~
(h) English language development classes aligned to the state English Language Development standards are designed to give access to core academic subjects while developing English proficiency, and are part of the academic core for English learners.

~~(h)~~
(i) There are many options for addressing the issues of access and course offerings for English Learners in middle and high school.

~~(i) Graduation rates for English learners are lower than for the general population and for other subgroups of students. According~~

1 to the State Department of Education, the overall 2013–14
2 four-year cohort graduation was 81 percent, while the rate for
3 English learners was 65 percent, the lowest of any subgroup besides
4 students in special education. The dropout rate for English learners,
5 at 21 percent, was the highest of any subgroup.

6 SEC. 2. Section 44253.2 of the Education Code is amended to
7 read:

8 44253.2. For purposes of this chapter, the following terms shall
9 have the following meanings, unless the context otherwise requires:

10 (a) “Instruction for English language development” means
11 instruction designed specifically for limited-English-proficient
12 pupils to develop their listening, speaking, reading, and writing
13 skills in English.

14 (b) “Specially designed content instruction delivered in English”
15 or “*specially designed academic instruction in English*” means
16 instruction in a subject area, delivered in English, that is specially
17 designed to meet the needs of limited-English-proficient pupils.
18 *pupils, and the focus of which is on instruction of the state*
19 *academic content standards and on increasing the*
20 *comprehensibility of academic content in courses normally*
21 *provided to fluent-English-proficient and English-only pupils.*

22 (c) “Content instruction delivered in the primary language”
23 means instruction in a subject area delivered in the primary
24 language of the pupil.

25 (d) “Instruction for primary language development” means
26 instruction designed to develop a pupil’s listening, speaking,
27 reading, and writing skills in the primary language of the pupil.

28 (e) “Culture and cultural diversity” means an understanding of
29 human relations, including the following:

- 30 (1) The nature and content of culture.
- 31 (2) Cross cultural contact and interactions.
- 32 (3) Cultural diversity in the United States and California.
- 33 (4) Approaches to providing instruction responsive to the
34 diversity of the pupil population.
- 35 (5) Recognizing and responding to behavior related to bias based
36 on the characteristics listed in Section 220.
- 37 (6) Techniques for the peaceful resolution of conflict.

1 ~~SEC. 2.~~

2 SEC. 3. Article 5.5 (commencing with Section 60080) is added
3 to Chapter 1 of Part 33 of Division 4 of Title 2 of the Education
4 Code, to read:

5
6 Article 5.5. English Learners
7

8 ~~60080. Except for pupils participating in articulated newcomer~~
9 ~~programs, a~~

10 60080. (a) A middle or high school pupil who is enrolled in
11 an English language development course or who is classified as
12 an English learner shall not be prevented from doing either of the
13 following:

14 ~~(a)~~

15 (1) Enrolling in core curriculum courses in English language
16 arts or any other course required for graduation or to meet the a-g
17 subject requirements for admission to the University of California
18 or the California State University.

19 ~~(b)~~

20 (2) Taking a full course load in core subjects required for
21 graduation or to meet the a-g subject requirements for admission
22 to the University of California or the California State University.

23 (b) *Subdivision (a) shall not apply to a pupil participating in*
24 *an articulated newcomer program unless the pupil meets the local*
25 *educational agency's exit criteria for transition into a general*
26 *education program. For purposes of this section, "articulated*
27 *newcomer program" means a separate, sometimes self-contained*
28 *program that meets all of the following criteria:*

29 (1) *The program is designed to meet the academic and*
30 *transitional needs of newly arrived immigrants.*

31 (2) *Instruction is aligned with state academic content standards*
32 *in content areas for which standards are adopted.*

33 (3) *Instruction for learning English is aligned with English*
34 *language development standards.*

35 (4) *When possible, instruction in the core subjects of*
36 *mathematics, science, and history-social science are offered in the*
37 *pupil's primary language.*

38 60081. If a local educational agency offers a course designed
39 for long-term English learners, the course shall confer credits in
40 English language arts necessary to meet graduation requirements.

1 It is the intent of the Legislature that local educational agencies
2 submit those courses to the University of California and California
3 State University for approval to meet the a-g subject requirements
4 for admission.

5 60082. (a) The English Language Arts/English Language
6 Development Framework adopted by the state board ~~in 2014~~
7 *pursuant to Section 60207* states that English learners at all English
8 proficiency levels and at all ages require *a comprehensive program*
9 *of English language development that includes* both integrated
10 English language development and specialized attention to their
11 particular language learning needs, otherwise known as designated
12 English language development, as part of their daily curriculum.

13 (b) The following definitions shall apply to the English
14 Language Arts/English Language Development Framework
15 referenced in subdivision (a):

16 (1) “Designated English language development” means
17 instruction designed for English learners according to their level
18 of English proficiency to overcome language barriers in a
19 reasonable amount of time, during a protected time in the regular
20 schoolday, in which teachers use the California English Language
21 Development Standards as the focal standards in ways that build
22 into and from content instruction in order to develop the critical
23 language that English learners need for content learning in English.

24 (2) “Integrated English language development” means
25 instruction in which all teachers with English learners in their
26 classrooms, regardless of the course content, use the California
27 English Language Development Standards in tandem with the
28 California state standards.

29 60083. (a) The department shall contract for the development
30 of a series of videos demonstrating best practices for implementing
31 designated and integrated English language development in
32 transitional kindergarten to grade 12, inclusive, and shall make
33 the series available on the department’s Internet Web site.

34 (b) *The video series shall be designed to assist local educational*
35 *agencies in providing instruction in designated English language*
36 *development and integrated English language development across*
37 *different content areas.*

38 (c) *The video series shall include information on designing*
39 *English language development courses for the middle and high*
40 *school grades that are also English language arts courses that*

1 *allow pupils to accrue credit toward graduation, including, to the*
2 *extent possible, course outlines from school districts that have*
3 *adopted such a model.*

4 *(d) The video series shall include information on courses*
5 *developed by school districts that are English language*
6 *development courses for the middle and high school grades that*
7 *are also English language arts courses that have been accepted*
8 *as a-g courses for admission to the University of California and*
9 *California State University, including, to the extent possible, course*
10 *outlines from school districts that have adopted such a model.*

11 ~~(b)~~

12 *(e) In developing the video series, the department shall compile*
13 *program models that address the structuring of the school day to*
14 *allow for instruction in the full curriculum academic content and*
15 *in English language development. The department shall include*
16 *information on how to implement these models in the series.*

17 ~~(e)~~

18 *(f) In developing the video series, the department shall convene*
19 *a group of experts and request public comment input.*

20 ~~(d) The video series shall be designed to assist local educational~~
21 ~~agencies in providing instruction in designated English language~~
22 ~~development and integrated English language development across~~
23 ~~different content areas.~~

24 ~~(e)~~

25 ~~(g) By the beginning of the 2017–18 academic 2018–19 school~~
26 ~~year, the video series shall be completed and made available for~~
27 ~~voluntary use by local educational agencies.~~ *agencies and charter*
28 *schools.*

29 ~~SEC. 3.~~

30 *SEC. 4. If the Commission on State Mandates determines that*
31 *this act contains costs mandated by the state, reimbursement to*
32 *local agencies and school districts for those costs shall be made*
33 *pursuant to Part 7 (commencing with Section 17500) of Division*
34 *4 of Title 2 of the Government Code.*